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SENATE

REPORT  
No. 93-524

52548

## SUPERGRADE AUTHORIZATION

NOVEMBER 16, 1973.—Ordered to be printed

Mr. McGEE, from the Committee on Post Office and Civil Service,  
submitted the following

### REPORT

[To accompany S. 2548]

The Committee on Post Office and Civil Service, to which was referred the bill (S. 2548) to amend title 5, United States Code, to provide for additional positions in grades GS-16, GS-17, and GS-18, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

#### PURPOSE

This bill would increase the number of "quota" supergrade positions—those which may be allocated by the Civil Service Commission to the Departments and agencies—from 2,754 to 2,994, authorizing 240 additional positions.

#### BACKGROUND

Since 1969, quota supergrade positions have been authorized by the Congress as follows:

Year	Amount of Increase	Total
1969.....	150	2,727
1970.....	7	2,734
1971.....	20	2,754

In 1972, the Civil Service Commission did not request an increase in the number of supergrade spaces because S. 1682, the bill to establish a Federal Executive Service, was under consideration in the Congress. S. 1682, which would have given the Civil Service Commission the authority to allow the agencies to appoint executives in the supergrade

pay range and to establish a total number of such executives, passed the Senate June 23, 1972, but failed in the House.

The Civil Service Commission states that, when the U.S. Postal Service superceded the Post Office Department in 1971, 89 supergrade positions were released and made available for reassignment to other agencies. Moreover, the Commission says the President's freeze on hiring and promotions in 1972 allowed Commission to "recapture" 260 spaces.

Nevertheless, the Civil Service Commission states that it has received from the agencies requests for some 900 additional positions. The Commission screened these requested and arrived at 240 as the increase needed to effectuate new and expanded agency programs.

#### STATEMENT

In view of the time lapse since the last substantial supergrade increase authorization, the Committee approves the Commission's request by favorably reporting S. 2548 and accepts the Commission's assurance that these positions are genuinely needed to meet the objectives of the executive branch.

#### AMENDMENT

The bill as introduced authorizes a new quota supergrade total of 2,995, authorizing an additional 241 positions. The 2,995 figure, a typographical error, should read "2,994", as requested by the Commission, to provide for 240 additional positions. The Committee has amended the bill to substitute the correct figure.

#### AGENCY VIEWS

Following are:

A letter from the Civil Service Commission requesting the legislation be introduced and containing:

Need for additional grades.

Section Analysis.

Statement of Purpose and Justification.

A letter from the Office of Management and Budget supporting the bill.

U.S. CIVIL SERVICE COMMISSION,  
*Washington, D.C., July 17, 1973.*

HON. SPIRO T. AGNEW,  
*President of the Senate,*  
*Washington, D.C.*

DEAR MR. PRESIDENT: The Civil Service Commission is submitting with this letter for the consideration of the Congress a draft bill to amend title 5, United States Code, to provide for 240 additional positions in grades GS-16, 17, and 18. Enclosed with the draft bill is a section analysis and a statement of purpose and justification.

The number of positions in grades GS-16, 17, and 18 subject to the quota restrictions of title 5, U.S.C., has remained substantially constant since, 1969 when 150 spaces were added, except for nominal increases of seven spaces in 1970 and 20 in 1971. The present limitation on the number of supergrade positions is 2,754, hardly enough, we feel, to meet the substantial new demands on Federal agencies to administer significant new programs with the high level leadership they require.

Following the President's "freeze" on hiring and promotions in December 1972, we intensified our efforts to assure that agencies were making the best possible use of the supergrade authorizations assigned to them by relating their requests for additional positions to specific budget and program justifications. The increase of 240 positions proposed in this legislation was arrived at after a careful and stringent review of these Government-wide requests which initially totalled over 800. It is considered a conservative, minimal figure in light of the program requirements highlighted in the Administration's proposed Fiscal Year 1974 Budget.

We deferred requesting an increase in the number of supergrade spaces last year because the Federal Executive Service proposal was then under consideration in the Congress. However, it was not enacted. This submission will assist us in meeting the increasingly urgent demands by agencies that relief be granted to meet their most pressing management needs. Therefore, we do not feel it is fair or equitable to Federal agencies to delay this request any longer.

The Office of Management and Budget advises that enactment of this legislative proposal would be consistent with the Administration's objectives.

A similar letter is being sent to the President of the Senate.

By direction of the Commission :

Sincerely yours,

ROBERT E. HAMPTON, *Chairman*.

Enclosures.

#### I. NEED FOR ADDITIONAL GRADES GS-16, 17 AND 18 POSITIONS

##### THE PROBLEM

The number of supergrade positions available to the Civil Service Commission for general distribution in the executive branch is limited by law to 2,754.

The last significant increase in this quota (150 spaces) was in 1969 (PL 91-187).

PL 91-206 added seven spaces in 1970.

PL 91-656 added twenty spaces in 1971.

Additional supergrade spaces are needed now to meet demands created by new legislative programs and high Administration priorities.

Or to look ahead toward planning for future needs.

We have been able to avoid requesting additional supergrades until now:

We have continuously encouraged agencies to improve their management of supergrade resources—

By avoiding "special assistants" and deputies wherever possible;

By managing supergrade spaces on an agency-wide rather than a parochial basis;

By utilizing flexibilities in staffing below the supergrade level.

The transition of the U.S. Postal Service from the Executive Branch in 1971 released some 89 positions, which we have used since that time to meet urgent requests.

When it appeared likely last year that the proposed Federal Executive Service would become law, we deliberately refrained from increasing the quota shortly before changing to a new system.

Regardless of whether the FES is ultimately enacted, however, these additional supergrade positions are needed now.

The President's freeze on hiring and promotions in late 1972 enabled us to cancel all supergrade positions vacated during a three-month period, and to redistribute the supergrade space authorizations where needed most.

To accomplish this redistribution systematically, we related each agency's request for supergrades to the expansion or contraction of its programs as reflected in the Administration's budget.

Some 260 spaces were made available through this process, even though there was no increase in the quota itself.

The legitimate supergrade requirements expressed by agencies far exceed our ability to meet them under the present quota limitations.

Despite the stringent criteria we prescribed (e.g. programs of significant national impact as reflected in the Administration's budget), we received almost 900 requests!

We reviewed these requests very carefully, and screened out over 200.

However, there remained almost 400 in excess of the resources available.

Further screening eliminated another 150+, leaving 240 as the minimum increase considered necessary to carry forward effectively at this time.

#### SECTION ANALYSIS

Section 5108 of title 5, United States Code, restricts the number of positions which a majority of the Civil Service Commissioners may establish, and from time to time revise, in grades GS-16, 17, and 18 to a maximum of 2,754. This is in addition to other specifically mentioned occupational and agency authorizations.

This proposed amendment to the first section of the bill would increase the overall number of quota positions administered by the Civil Service Commission from 2,754 to 2,994.

STATEMENT OF PURPOSE AND JUSTIFICATION OF A DRAFT BILL TO INCREASE THE NUMBER OF POSITIONS IN GRADES GS-16, 17, AND 18

This legislation would amend title 5, United States Code, to authorize 240 new administrative policy and program positions in grades GS-16, 17, and 18 of the General Schedule, commonly known as supergrades. These new positions would be allocated to the Civil Service Commission for distribution under regular Commission procedures to Federal agencies which have an immediate need for supergrade personnel.

Since Public Law 91-187 was enacted December 30, 1969, authorizing 150 additional positions for allocation by the Civil Service Commission, only 27 new positions have been added to the total (seven by PL 91-206; 20 by PL 91-656). These 27 positions were intended for the use of the Environmental Protection Agency and the National Credit Union Association. (PL 91-187 responded only to the rock-bottom needs of the new Administration; it did not attempt to resolve longstanding classification inequities or staff up any but the most fundamentally urgent new program missions.)

During the approximately four years since the last significant increase in the supergrade quota, we have received numerous requests from agencies for additional supergrade authorizations. Even though many of these positions would likely have merited supergrade classification, and may have been serving in new program areas not envisioned in 1969, we have been unable to honor such requests for lack of quota authorizations. Many such additional requests have been forestalled simply by agencies' foreknowledge that quota spaces would be unavailable.

Heretofore, a combination of factors enabled us to avoid proposing legislation to increase the supergrade quota. First, we feel our continuous encouragement of agencies toward more effective executive manpower management has had some good effect, even though it could not increase the total number of positions available. Our letter of October 13, 1972, to heads of departments and agencies, copy attached, typifies our efforts to obtain greater flexibility to establish executive positions where they are needed most.

The transition of the U.S. Postal Service from the Executive Branch to its present status in 1971 released some 89 positions, which we have utilized since that time to meet the most urgent priority needs. Moreover, when it appeared that Congressional approval of the proposed Federal Executive Service was likely, we deliberately refrained from encouraging an increase in the quota shortly before changing to a new system. The failure to date of the FFS to become law only underscores the urgency of the need for some relief at the earliest possible time.

The President's "freeze" on hiring and promotions in late 1972 afforded us a further initiative to restructure the distribution of supergrade authorizations systematically, and also to obtain a realistic assessment of agency requirements in light of program developments since 1969. Thus, our letter of December 11, 1972, cancelled and "re-captured" all supergrade positions vacant as of that date and vacated

subsequently during the period of the freeze. Some 260 spaces were made available through this process.

Our letter of February 15, 1973, copy attached, requested agencies to submit their current unmet supergrade requirements for our consideration in redistributing the 260 newly available resources. Despite the stringent criteria we prescribed, we received almost 900 requests!

When we applied the aforementioned criteria to these requests, and also deleted proposed upgradings within the supergrade range which do not require new spaces, we were able to eliminate over 200. However, some 650 remained.

Even when our current supply of 260 spaces is allocated, 390 requests would remain unmet. When we reviewed the new programs conceived since 1969, and the significant expansion of others, it became clear that an increase in the supergrade quota was long overdue.

We are recommending only 240 additional authorizations, rather than the full 390. We expect that some requested positions would be found not to meet supergrade criteria upon detailed review. Also, the large number of retirements as of June 30, 1973, should enable agencies to reprogram some spaces to meet more urgent needs. We estimate that about 150 requirements would be accommodated or obviated through these processes.

We must emphasize that we reviewed each agency's submission very carefully. Our proposal covers only the staffing needs of programs enacted or imminent. It does not attempt long-range projections or speculations. We have concluded that a minimum of 240 additional spaces are essential to carry forward the Government's business effectively at this time.

Attachments.

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT AND BUDGET,  
*Washington, D.C. November 13, 1973.*

HON. GALE W. MCGEE,  
*Chairman, Committee on Post Office and Civil Service, U.S. Senate,  
New Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to the Committee's request for the views of this Office on S. 2548, "To amend title 5, United States Code, to provide for additional positions in grades GS-16, GS-17 and GS-18."

The purpose of this bill is to authorize additional quota supergrade positions, for allocation by the Civil Service Commission, to meet the more urgent needs of the departments and agencies for positions at these levels. Except for the fact that S. 2548 would authorize 241 instead of 240 positions, as a result of an apparent misprint in line 5, the bill is the same as the draft bill proposed by the Civil Service Commission.

We urge the Committee to give favorable consideration to S. 2548, modified to conform with the Commission's proposal. Enactment of S. 2548 as so modified would be consistent with the Administration's objectives.

Sincerely,

(Signed) Wilfred H. Rommel  
WILFRED H. ROMMEL,  
*Assistant Director for  
Legislative Reference.*

#### CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law in which no change is proposed is shown in roman; existing law proposed to be omitted is enclosed in black brackets; new matter is shown in italic) :

#### TITLE 5, UNITED STATES CODE

\* \* \* \* \*

#### § 5108. Classification of positions at GS-16, 17, and 18

(a) A majority of the Civil Service Commissioners may establish, and from time to time revise, the maximum numbers of positions (not to exceed an aggregate of **[2,754]** *2,994*, in addition to any professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine which may be placed in these grades, and in addition to 240 hearing examiner positions under section 3105 of this title which may be placed in GS-16 and 9 such positions which may be placed in GS-17) which may be placed in GS-16, 17, and 18 at any one time. However, under this authority, not to exceed 25 percent of the aggregate number may be placed in GS-17 and not to exceed 12 percent of the aggregate number may be placed in GS-18. A position may be placed in GS-16, 17, or 18 only by action of, or after prior approval, by a majority of the Civil Service Commissioners.

(b) (1) The number of positions of senior specialists in the Legislative Reference Service, Library of Congress, placed in GS-16, 17, and 18 under the proviso in section 166(b)(1) of title 2 are in addition to the number of positions authorized by subsection (a) of this section.

(2) In addition to the number of positions authorized by subsection (a) of this section and positions referred to in paragraph (1) of this subsection, the Librarian of Congress, subject to the procedures prescribed by this section, may place a total of 44 positions in the Library of Congress in GS-16, 17, and 18.

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